

REMARKS

In accordance with the foregoing, claims 11, 13, 15, 28, and 31 have been amended and new claim 44 has been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 11-44 are pending and under consideration.

ENTRY OF AMENDMENT UNDER 37 C.F.R. § 1.116:

Applicants request entry of this Rule 116 Response because the amendments of claims 11, 13, 15, 28, and 31 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. § 102:

In the Office Action, at page 28, claims 11-12, 15-27, 39, and 41 were rejected under 35 U.S.C. § 102 in view of EP 0 833 337 A2 to Aramaki et al. ("Aramaki"). This rejection is traversed and reconsideration is requested.

Aramaki generally describes an editing method for **deleting a prescribed section** of a program and editing apparatus thereof. Emphasis added. See abstract of Aramaki. A **recording time** of programs is recorded using 6 bytes, where two bytes are taken for the manufacturers code and a model code showing the manufacturer of the recording apparatus used for recording the program. However, nothing in Aramaki teaches or suggests that any of the bytes includes manufacturer information including "recording a last address of the manufacturer information for the recording apparatus to identify the last address of the manufacturer information," as recited

in independent claim 11.

Rather, Aramaki simply provides editing processes such as, for example, a divide function for dividing one program into a plurality of programs, a combine function for linking a plurality of programs as one program, and a move function. See column 1, lines 36-40.

Although recorded programs in Aramaki are managed at the U-TOC and start address and end address of the each program are managed at the U-TOC information, nothing is taught or suggested as to providing "recording a last address of the manufacturer information for the recording apparatus to identify the last address of the manufacturer information," as recited in independent claim 11.

Further, Aramaki fails to teach or suggest, "recording an identification information of a manufacturer of a recording apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification," as recited in independent claim 11. Rather, Aramaki limits its description to designating a start point and an end point of the section to be deleted and linking the programs preceding and proceeding the erased portion. The cited reference fails to teach or suggest all the claimed features recited in independent claim 11.

Furthermore, the Office Action refers to similar portions of the cited references to reject independent claim 15 as the portions of the cited references previously discussed and distinguished from the claimed features of independent claim 11. The arguments presented above supporting the patentability of independent claim 11 in view of Aramaki are incorporated herein to support the patentability of independent claim 15.

It is respectfully requested that independent claims 11 and 15 and related dependent claims be allowed.

REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, at page 32, claims 13-14, 28-38, 40, and 42-43 were rejected under 35 U.S.C. § 103 in view of Aramaki in view of U.S. Patent No. 6,038,366 to Ohno et al. ("Ohno"). This rejection is traversed and reconsideration is requested.

Because claims 14 and 40 depend from independent claim 13, claims 29, 30, and 42 depend from independent claim 28 and claims 32-38 and 43 depend from independent claim 31, the cited references, individually or combined, must teach or suggest all the claimed features recited in independent claims 13, 28, and 31.

Independent claim 13 recites, “the manufacturer identification information comprises a last address of the manufacturer information for the recording/reproducing apparatus to identify the last address of the manufacturer information,” and independent claims 28 and 31 recite, “wherein the manufacturer identification information comprises a last address of the manufacturer information for the recording and reproducing apparatus to identify the last address of the manufacturer information.”

The Office Action refers to similar portions of Aramaki to reject independent claims 13, 28, and 31 as the portions of the cited reference previously discussed and distinguished from the claimed features of independent claims 11 and 15. The arguments presented above supporting the patentability of independent claims 11 and 15 in view of Aramaki are incorporated herein to support the patentability of independent claims 13, 28, and 31.

Ohno generally provides a magnetic recording/reproducing apparatus, which can facilitate search of programs recorded on a magnetic tape. See column 2, lines 14-20 of Ohno. The apparatus checks whether a VTR manufacturer number data as fetched from the tape coincides with the VTR manufacturer number stored in a library memory 4. See column 6, lines 25-31 of Ohno. However, rather than teaching or suggesting that the apparatus records or modifies “the content of the recording medium and a **manufacturer identification information** of the recording/reproducing apparatus to determine whether a manufacturer specific information of the recording/reproducing apparatus is effective, wherein the identification information of the manufacturer is **different from the identification information prior to the recording or the modification**,” emphasis added, as recited in independent claim 13, in Ohno, unless coincidence is found, a control processing is **terminated** by regarding the tape as loaded is not the one of concern. Emphasis added.

Referring to independent claim 13, according to the Office Action, column 6 of Ohno, lines 18-31, teaches the claimed features of independent claim 13. The referred portion of Ohno describes a control procedure where a preliminary play-back operation is carried out to read out tape map information recorded in a video signal. Specifically, the control procedure checks whether the VTR manufacture number data as fetched from the tape coincides with the VTR manufacture number stored in the library memory 4 shown in FIG. 1. Unless coincidence is found, this control processing is terminated. The tape map information, as described by Ohno, concerns the contents of program(s) recorded on the loaded tape, temporal duration(s) of the program(s), and history of play-back of the tape. See abstract.

However, the tape map information does not include “the manufacturer identification

information comprises a last address of the manufacturer information for the recording/reproducing apparatus to identify the last address of the manufacturer information," as recited in independent claim 13. Nowhere in the referred portion of Ohno, or anywhere else in the reference, is there a teaching or suggestion of the claimed features of independent claim 13.

Similarly to Aramaki, Ohno does not teach or suggest, "wherein the manufacturer identification information comprises a last address of the manufacturer information for the recording and reproducing apparatus to identify the last address of the manufacturer information," as recited in independent claim 28, and "the manufacturer information comprises a last address of the manufacturer information for the apparatus to identify the last address of the manufacturer information," as recited in independent claim 31. Rather, Ohno recognizes that the problem of erroneous recognition of a tape can satisfactorily be coped with by using as tape identification information the manufacture number (i.e., the VTR manufacture number) of the magnetic recording/reproducing apparatus that was used for recording programs on the tape. See column 2, lines 30-37. Accordingly, Aramaki and Ohno, individually or combined, fail to teach or suggest all the claimed features of independent claims 13, 28, and 31 and related dependent claims.

It is respectfully requested that independent claims 13, 28, and 31 and related dependent claims be allowed.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.


If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 04/28/2004

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